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Commissioner of Social Security
P.O. Box 17703
Baltimore, MD 21235-7703

RE: Proposed Rule regarding evidence requirements for assignment of Social Security numbers to foreign academic students in F-1 status.

Dear Commissioner:

This letter constitutes the comment of Stanford University on the above-referenced proposed rule, published in the Federal Register on December 16, 2003, requiring F-1 students who do not have an employment authorization document issued by the Department of Homeland Security's Citizenship and Immigration Services to present proof of employment in order to apply for and receive a social security number. Stanford University currently enrolls almost 2700 students on F-1 visas, students who make a significant contribution to the research and teaching mission of the institution.

Stanford shares the Social Security Administration's concern for fraud and supports its efforts to protect the integrity and quality of its programs, business practices, and services. We are also appreciative of the SSA's recent efforts in cooperation with the Department of Homeland Security to resolve problems regarding documentation of status, and to develop workable systems to ensure timely processing of applications for eligible F-1 students.

Stanford does, however, have concerns about the proposed rule. We feel that it will have a negative effect on the thousands of legitimate F-1 students attending colleges and universities across this country, as well as on institutions such as Stanford. We strongly urge the SSA to reconsider this proposed rule.

Why do we have these concerns?

First, we feel that this requirement is unnecessary as the right to employment is inherent in F-1 Status. Students in F-1 status are authorized for employment, under certain specified conditions, by virtue of their immigration status. Under current SSA procedures, an F-1 student who applies for a SSN is required to present evidence of age, identity, lawful F-1 alien status, and work authorization (either an EAD issued by USCIS or a letter from the school documenting the student's eligibility for employment.) In order to obtain a letter from Stanford, a student's enrollment status is first verified by the Bechtel International Center.

Under section 205(c)(2)(B)(i)(I) of the Social Security Act, the Commissioner is required to assign SSNs "to the extent practicable ... to aliens at the time of their lawful admission to the United States either for permanent residence or under other authority of law *permitting them to engage in employment* in the United States and to other aliens at such time as their status is so changed as to make it lawful for them to engage in such employment." [Italics added] This is reiterated in SSA regulations found at 20 CFR 422.107(e): "When a person who is not a U.S. citizen applies for an original social security number or a duplicate or corrected social security number card, he or she is required to submit as evidence of alien status, a current document issued by the [INS] in accordance with [its] regulations. The document must show that the applicant has been lawfully admitted to the United States, either for permanent residence or under authority of law *permitting him or her to work* in the United States, or that the applicant's alien status has changed so that it is lawful for him or her to work." [Italics added] Neither the Act nor the regulations require actual employment as a precursor to obtaining an SSN. Therefore, these students should be eligible for enumeration based simply on their application and their ability to establish their legal F-1 status in the United States. Stanford takes seriously our obligation to verify enrollment status before issuing a support letter to a student. We feel that this is consistent with the intent of the law.

Second, the proposed rule would deny F-1 students an identification number that is essential to life in the United States. The proposed requirement would impose a significant burden on F-1 students, for whom the lack of an SSN would serve as a significant impediment to beginning their lives as full-time students in the United States. Stanford understands that the intent of a SSN is tied to employment and not for obtaining other benefits. However the reality is that many, and varied, organizations and institutions have organized themselves to require this specific piece of information. Many Stanford foreign students find they cannot lease an apartment, open a bank account, or negotiate utility services

without a SSN. SSA has declared repeatedly that a SSN is not required for such things, but the reality is otherwise. Compounding the problem for these students is a lack of language skills and understanding of the cultural nuances needed to navigate through the administrative obstacles in order to obtain the requested services without a SSN.

The proposed requirement also would make it impossible for many F-1 students to access some on-campus jobs. On-campus employment can vary considerably in type and in duration, with many jobs best described as jobs of opportunity available for a short timeframe, such as helping during new student orientation and move-in, or translating a brief document. These kinds of jobs usually appear with little advance warning, and outside of the traditional hiring process of more formal, longer-term employment. Without a SSN, F-1 students are unable to benefit from such unexpected opportunities; employers will be, understandably, reluctant to hold a job until a social security card has been obtained.

Third, the proposed rule would be particularly burdensome for those F-1 students who receive taxable-scholarships or stipends, for which no services in return are required. In this case, Stanford must report the scholarship or stipend to the IRS, and Stanford requires that the student have a SSN for this purpose. Also, at the end of the year, the F-1 student is legally required to file a tax return with the IRS, which requires a SSN. It should be noted that F-1 students are not eligible to receive an Individual Tax Identification Number (ITIN) issued by the IRS since they are eligible to receive a SSN by virtue of their legal ability to work in the United States. And because F-1 students cannot open a bank account without a SSN, the money they receive from such scholarships or stipends is not readily accessible to them.

Stanford's view is that SSNs should not be limited to those F-1 students with specific job offers. However, if SSA is determined to go forward with this initiative, then at a minimum, such action should not be taken until a viable alternative identification number has been established.

Fourth, the proposed rule would increase administrative burdens on Stanford. Currently, such offices as the Bechtel International Center, Office of the Controller, and the Office of Financial Aid spend considerable amounts of time informing students of the need for a SSN, instructing them on how to apply for one, and preparing individual letters verifying their immigration status. It is not clear what efforts SSA expects schools to take in verifying the offer of employment prior to issuing the letter "authorizing" the employment. However, it is clear that we will be spending more time (and resources) both in advising individual students and departments on what they must provide in order to obtain

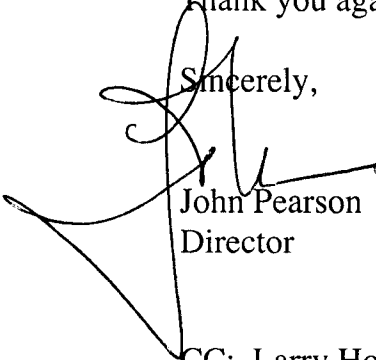
an appropriate letter to present to the SSA and in advising students and departments on how to obtain services without a SSN.

Finally, the supplementary information alleges that “some students” misuse their SSNs to engage in unauthorized employment. The fact that F-1 students apply for SSNs even though they do not have specific job offers does not mean that they intend to—or do—engage in fraud. Rather, they apply for SSNs for all the other reasons cited in this letter. Even under the proposed rule, any student issued a SSN would still have the theoretical ability to use it to engage in unauthorized employment. The proposed rule would not solve that problem which, to the extent it exists, is an enforcement issue for DHS. What the proposed rule would do is deny many legitimate students, who have no fraudulent intent, a necessary identification number and the ability to access future, legal employment opportunities.

Stanford’s opinion is that the proposed rule would create many problems for students and for institutions, without contributing to the reduction of fraud. We urge SSA to withdraw the proposed rule.

Thank you again for the opportunity to comment.

Sincerely,



John Pearson
Director

CC: Larry Horton, Government and Community Relations, Stanford University